

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FYR SFR BORROWER, LLC,

Plaintiff,

v.

LASHANDRA Y. SHEPPARD, et al.,

Defendants.

Civil Action No.

1:24-cv-00483-VMC-WEJ

ORDER

This matter is before the Court on the Final Report & Recommendation (“R&R,” Doc. 3) of the Magistrate Judge which grants the Defendants’ Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 1) for the limited purpose of remand, and recommends that this case be remanded to the Magistrate Court of Cobb County, Georgia pursuant to 28 U.S.C. § 1447(c).

Under 28 U.S.C. § 636(b)(1)(B), a district court may “designate a magistrate judge . . . to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any [dispositive] motion,” including a motion to dismiss for failure to state a claim. A district judge has a duty to conduct a “careful and complete” review of a magistrate judge’s report and recommendation. *Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir.

1982) (per curiam) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 408 (5th Cir. Unit B 1982)).

If no party files a timely objection to the report and recommendation, the Court reviews the magistrate judge's findings for clear error. *See Lawrence v. Governor of Georgia*, 721 F. App'x 862, 864 (11th Cir. 2018) ("district court reviewed the magistrate judge's findings for clear error, as [plaintiffs] had failed to object to the R & R"); *see also Tauber v. Barnhart*, 438 F. Supp. 2d 1366, 1373–74 (N.D. Ga. 2006). "Clear error review asks if, 'after viewing all the evidence, [the Court is] left with the definite and firm conviction that a mistake has been committed.'" *Anderson v. Dunbar Armored, Inc.*, 678 F. Supp. 2d 1280, 1289 (N.D. Ga. 2009) (quoting *HGI Assocs., Inc. v. Wetmore Printing Co.*, 427 F.3d 867, 873 (11th Cir. 2005)). The Court may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Defendants did not file an objection to the R&R. The Court has reviewed the R&R for clear error and finds none. Accordingly, it is

ORDERED that the R&R (Doc. 3) is **ADOPTED**. It is

FURTHER ORDERED that this action be **REMANDED** to the Magistrate Court of Cobb County pursuant to 28 U.S.C. § 1447(c).

SO ORDERED this 5th day of March, 2024.



Victoria Marie Calvert
United States District Judge